

they been converted to require the precision and adequacy normally demanded at summary judgment. To the contrary, the matters raised in defendants' motion appropriately are considered after the record has been fully developed pursuant to a motion for summary judgment.¹ Consequently, a case management order will be entered and defendants may advance any of their arguments after the close of discovery pursuant to an adequately supported motion for summary judgment.

s/ David Stewart Cercone
David Stewart Cercone
United States District Judge

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¹ This includes defendants' implicit assertion that plaintiff should be declared a vexatious litigant under Rule 8 by this court.